

**DECLARATION
FOR UTILITY OR DESIGN
PATENT APPLICATION**

☐ Declaration Submitted With Initial Filing) Attorney Docket No.: 72371
) First Named Inventor: Kenneth G. Brash
) International Appl. No. PCT/AU00/00336
) US Application Number: 09/980,676
) Filing Date: October 19, 2001
☒ Declaration Submitted After Initial Filing) Group Art Unit: Not Yet Assigned
) Examiner Name: Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FUMIGATION APPARATUS

(Title of Invention)

the specification of which:

- ☐ is attached hereto, or
- ☒ was filed by an authorized person on my behalf on October 19, 2001 as United States Application Number 09/980,676, National Phase of PCT International Application Number PCT/AU00/00336, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application, on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application Number(s)</u>	<u>Country</u>	<u>Foreign Filing Date</u>	<u>Priority Not Claimed</u>
PP 9857	Australia	04-20-1999	<input type="checkbox"/>
47412/99	Australia	09-07-1999	<input type="checkbox"/>
			<input type="checkbox"/>

- ☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application Number(s)</u>	<u>Provisional Application Filing Date</u>
NONE	NONE

- ☐ Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 120, of any prior United States application(s), or under § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Prior U.S. Application Number</u>	<u>Prior PCT International Application Number</u>	<u>Filing Date of U.S. or PCT International Application</u>	<u>Patent Number (if applicable)</u>
NONE	PCT/AU00/00336	April 19, 2000	NONE

- ☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the practitioners associated with Customer Number 22242, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence and telephone calls in respect to this

application be directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street, Chicago, Illinois 60603-3406, Telephone No. (312) 577-7000, Facsimile No. (312) 577-7007, CUSTOMER NUMBER 22242.



I hereby declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the application or any patent issued thereon.

Full name of sole or one joint inventor:

KENNETH GEORGE BRASH

(Given names first, with Family name last)

Inventor's signature:

K. Brash

Date:

15-4-02

Residence:

Wombarra, AUSTRALIA

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

67 Morrison Avenue

Wombarra NSW 2515

Australia

Citizenship:

AUSTRALIAN

Full name of sole or one joint inventor:

(Given names first, with Family name last)

Inventor's signature:

Date:

Residence:

(City and State for U.S. Residents; City and Country for others)

Post Office Address:

Citizenship:

U.S. APPLICATION NO (if known, see 37 CFR 1.5)
09/980,676

INTERNATIONAL APPLICATION NO.
PCT/AU00/00336

ATTORNEY DOCKET NUMBER
72371

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):
Search Report has been prepared by the EPO or JPO \$ 890.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) \$ 710.00
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$ 740.00
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1040.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than ☒ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED		NUMBER EXTRA		RATE
Total claims	13	- 20 =	0	x	\$18.00
Independent Claims	1	- 3 =	-2	x	\$84.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

\$280.00

TOTAL OF ABOVE CALCULATIONS =

Applicant(s) assert entitlement to Small Entity Status, thus reducing the filing fee by half to:

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.

TOTAL FEES ENCLOSED =

05/15/2002 LLANDGRA 00000030 061135 09980676

01 FC:254 65.00 CH

AMOUNT TO BE:

Refunded	\$
Charged	\$ 65.00

18. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

19. ☒ Please charge my Deposit Account No. 06-1135 in the amount of \$ 65.00 to cover the above fees. A duplicate copy of this sheet is enclosed. **Transaction No. 3276.**

20. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, IL 60603-3406 U.S.A.

Telephone: (312) 577-7000
Facsimile: (312) 577-7007

SIGNATURE

Kenneth H. Samples
NAME

25,747
REGISTRATION NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NUMBER

72371

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/980,676

INTERNATIONAL APPLICATION NO.

PCT/AU00/00336

INTERNATIONAL FILING DATE

19 April 2000

PRIORITY DATE CLAIMED

20 April 1999

TITLE OF INVENTION

FUMIGATION APPARATUS

APPLICANT(S) FOR DO/EO/US

KENNETH G. BRASH

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

CERTIFICATE OF MAILING

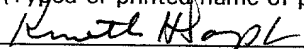
Date of Deposit

APR 23 2002

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The United States Designated/Elected Office (DO/EO/US), Washington, D.C. 20231 on this date.

Kenneth H. Samples

(Typed or printed name of person mailing)



(Signature of person mailing)